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Report of the Secretary-General on the situation in Abyei

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1990 (2011), in which the Council requested that it be kept regularly informed of progress in the implementation of the Agreement between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) on Temporary Arrangements for the Administration and Security of the Abyei Area, signed on 20 June 2011 in Addis Ababa. The report outlines the latest developments in Abyei and provides an update on the deployment of the United Nations Interim Security Force for Abyei (UNISFA).

II. Political and security developments

2. Throughout the interim period of the Comprehensive Peace Agreement between the Government of the Sudan and SPLM, the dispute over the future status of the Abyei Area presented one of the greatest obstacles to implementation of the Agreement and stability in the region. Competing claims to land ownership and use between the Ngok Dinka and Misseriya communities, complicated by the presence of high-quality oil reserves and the instrumentalization of local communities by the Governments in the North and South, kept Abyei on the brink of conflict, on occasion erupting into serious clashes between the Sudan People's Liberation Army (SPLA) and the Sudanese Armed Forces (SAF). As a result, little progress was made on the core aspects of the Abyei Protocol to the Comprehensive Peace Agreement, following the rejection of the conclusions of the Abyei Boundaries Commission by the National Congress Party, the rejection of the Permanent Court of Arbitration ruling by the Misseriya communities and the incomplete implementation of the wealth-sharing provisions. The referendum on the future of Abyei also stalled as a result of disputes over the criteria for eligibility to participate and over the border.

Deterioration of the security situation

3. In the lead up to the referendum on the self-determination of Southern Sudan, tensions increased in Abyei at the end of 2010, resulting in a series of violent incidents in the Area in early January and a build-up of regular and irregular forces from the North and the South. In response, and in the absence of a final agreement

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on the status of the Abyei Area, temporary security arrangements were agreed upon by the parties to the Comprehensive Peace Agreement, in the 13 and 17 January 2011 Kadugli Agreements and the 4 March Abyei Agreement, which provided for the deployment of Joint Integrated Units and Joint Integrated Police Units to ensure security and the withdrawal of all other forces from the Area. However, these Agreements were only implemented in part and a number of violent incidents between the parties and/or their proxies occurred in April and May 2011.

4. The security situation in Abyei deteriorated further when, on 19 May, a convoy of the United Nations Mission in the Sudan (UNMIS) transporting an SAF Joint Integrated Unit was attacked in Dokura, an area controlled by Southern police unilaterally deployed to Abyei in August 2010. In response, SAF immediately deployed an infantry brigade to the Abyei Area and bombed SPLA positions in several locations, taking control of Abyei town and the entire Area north of the Kiir/Bahr el-Arab River. SPLA remains in control of the Area south of the river. On 21 May, following the takeover of Abyei town, the Government of the Sudan unilaterally dissolved the Abyei Administration.

5. As the violence unfolded, more than 100,000 civilians fled southward, an influx of Misseriya elements was observed in Abyei town and aggressive rhetoric was heard from the highest levels of both parties to the Comprehensive Peace Agreement. From 24 May, SAF and SPLA troop concentrations were observed in the area of the Banton bridge, an important crossing point on the Kiir/Bahr el-Arab River. The bridge was subsequently disabled, cutting off land travel between Abyei town and Agok and South Sudan. Meanwhile, UNMIS experienced movement restrictions imposed by SAF and on occasion by Misseriya elements, and aggressive posturing towards the Mission. On 24 May, four UNMIS helicopters were fired upon, but not harmed, from positions in proximity to Mission headquarters in Abyei. The security situation remains tense and unpredictable, with ongoing reports of sporadic shooting. SAF continues to maintain a considerable ground presence in the Area and to occupy Abyei town.

Negotiation process

6. In response to the situation in Abyei, the African Union High-Level Implementation Panel, chaired by President Thabo Mbeki, with the support of the Government of Ethiopia, UNMIS and other stakeholders, facilitated high-level meetings in Addis Ababa between the parties to the Comprehensive Peace Agreement, which were attended by President Bashir and First Vice-President Kiir on 12 and 13 June. On 20 June, the Government of the Sudan and SPLM signed the aforementioned Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area.

7. The Agreement provides for the establishment of an Abyei Area Administration, to be administered jointly by a Chief Administrator nominated by SPLM and a nominated Deputy by the Government of the Sudan, which will serve as a local civilian authority, exercising the powers contained in the Abyei Protocol to the Comprehensive Peace Agreement, with the exception of supervising and promoting security and stability. The Agreement transfers those powers to a newly established Abyei Joint Oversight Committee, composed of two members of each party and a facilitator appointed by the African Union Commission, which will

report to the Presidents of the Sudan and of South Sudan. It further provides for the total withdrawal of all armed elements from the Area and full demilitarization, to be observed by a newly established Joint Military Observer Committee, which reports to the Abyei Joint Oversight Committee. The parties also agreed to establish an Abyei Police Service, which will include a special unit to address issues related to nomadic migration.

8. In support of these arrangements and to provide security in the Abyei Area, the parties requested the United Nations to deploy an Interim Security Force for Abyei, to be comprised of an armoured brigade provided by the Ethiopian National Defence Force. They also requested that the Force undertake monitoring and verification, protection of monitoring teams, security within the Abyei Area, protection of Abyei's borders, support to the Abyei Police Service, facilitation of humanitarian assistance and protection of civilians under imminent threat. Noting that the Agreement and the Abyei Protocol will continue to apply until such time as the final status of Abyei has been resolved, the parties also committed to consider, in good faith, proposals from the African Union High-Level Implementation Panel on Abyei's final status.

9. The United Nations Interim Security Force for Abyei (UNISFA) was established by the Security Council in its resolution 1990 (2011), with a mandate to monitor and verify the redeployment of SAF, SPLA, or its successor, from the Abyei Area; participate in relevant Abyei Area bodies; provide demining assistance and technical advice; facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel; strengthen the capacity of the Abyei Police Service; and, when necessary, provide security for oil infrastructure, in cooperation with the Abyei Police Service. Acting under Chapter VII of the Charter of the United Nations, the Council also authorized the Force, within its capabilities and area of deployment, to protect UNISFA and United Nations personnel, facilities, installations and equipment; ensure the security and freedom of movement of United Nations and humanitarian personnel, and members of the Joint Military Observer Committee and Joint Military Observer teams; protect civilians under imminent threat of physical violence; protect the Abyei Area from incursions by unauthorized elements; and ensure security. Moreover, the Council requested the Secretary-General to ensure that effective human rights monitoring is carried out and that the results are included in his reports to the Council.

10. Since the signature of the 20 June Agreement, the parties have nominated candidates for the Abyei Area Administration, but agreement is outstanding on the candidacy of the Chairperson. The parties have, however, accepted each other's nominations to the Abyei Joint Oversight Committee. Progress on the establishment of these bodies is necessary for the implementation of other provisions of the Agreement, notably the formation of the Abyei Police Service.

11. In Addis Ababa, on 29 June, the parties signed an Agreement on Border Security and the Joint Political and Security Mechanism, in which the Governments of the Sudan and of South Sudan reaffirmed their commitment to the 7 December 2010 Agreement on the establishment of a Joint Political and Security Mechanism, and to the Kuriftu Joint Position Paper signed on 30 May 2011. In addition to the mechanism, the border security Agreement provides for the establishment of a safe demilitarized border zone 10 kilometres outside the 1-1-56 borderline, pending the resolution of the status of the disputed areas and the final demarcation of the border,

and requests UNISFA to provide force protection for an international border monitoring verification mission. In accordance with the Agreement, UNISFA and the Department of Peacekeeping Operations, in coordination with the African Union, will consult with the parties with a view to defining the possible role of UNISFA in support of the border mechanism. Following this process, I will make recommendations to the Security Council on the possible amendment of the mandate of UNISFA to fulfil these tasks.

III. Humanitarian situation

12. Since SAF launched its offensive on Abyei in May 2011, Abyei has witnessed a population exodus southward, and widespread looting, burning of *tukuls* and other damage to property mainly by Misseriya militia. By 21 May, most of the civilian population had departed from Abyei town. The number of displaced persons is currently estimated to be nearly 113,000, with more than 98,000 such persons registered by the International Organization for Migration and local authorities in South Sudan. The largest numbers of displaced persons are located in Agok, 40 kilometres south of Abyei (estimated to be 27,000 persons), and in parts of Warrab state, South Sudan (estimated to be 55,300 persons), with others in Unity and Western and Northern Bahr el-Ghazal states (estimated to be 2,000, 9,000 and 2,000 persons, respectively), which places additional strains on the limited capacities of the Government of South Sudan and the humanitarian actors on the ground. In response to this population exodus, humanitarian personnel have relocated from Abyei town to Agok and South Sudan, where they continue to assess and respond to emergency needs through the provision of food, shelter and other emergency aid items.

13. Under the auspices of the "Friends of Abyei", chaired by the Resident Coordinator/Humanitarian Coordinator, a planning team comprising United Nations agency, donor and international non-governmental organization representatives has been established to draft a joint recovery programming strategy for Abyei, which will include a clear division of labour, sequencing of activities and clearly defined benchmarks. However, until UNISFA is fully deployed and SAF and armed elements withdraw from Abyei, it is unlikely that internally displaced persons will return to the Area.

IV. Human rights

14. To date, the facts surrounding numerous allegations of grave human rights violations in Abyei have been difficult to ascertain owing to security, limited access and witness protection concerns. Nevertheless, UNMIS was able to conduct preliminary investigations through interviews with displaced persons in South Sudan before the Mission ceased operations on 10 July. Pursuant to Security Council resolution 1990 (2011) and following the withdrawal of UNMIS, the Office of the High Commissioner for Human Rights intends to send an assessment mission to (a) explore options and recommend concrete follow-up actions, including on the development of a strategy to carry out effective human rights monitoring, in consultation with the local authorities and the Government of the Sudan, and (b) assess the facts and circumstances around the recent events that took place in

Abyei, including the forced displacement of civilians, and gauge the willingness of those displaced to return. The mission will also be conducted under the High Commissioner's general mandate, as contained in General Assembly resolution 48/141.

V. Deployment of the United Nations Interim Security Force for Abyei

15. As of 25 July, 453 troops had arrived in the Abyei Area, located in Abyei town and Diffra. Planning for the induction of troops in the Agok team site is also being undertaken. An advance force headquarters is functional, logistics support is in place and the induction of troops is progressing.

16. With regard to the police component authorized by the Security Council, comprising 50 officers, work is ongoing on a concept of operations for discussion with the appropriate local authorities and the parties to the 20 June Agreement. The deployment of police personnel will reflect the needs of local authorities and the timing related to the establishment of the Abyei Police Service.

17. With regard to mine action, the Department of Peacekeeping Operations remains ready to deploy quick response teams and a coordination and quality assurance capacity in order to undertake emergency humanitarian mine action operations, including survey and clearance activities, and the provision of risk education. Such a capacity would address the possible threats posed by landmines as well as explosive remnants of war and would ensure that all mine action activities are conducted in compliance with International Mine Action Standards. While there are currently no confirmed reports of the laying of new landmines in Abyei, explosive remnants of war continue to pose direct threats to the local population, returnees and humanitarian actors, and may pose constraints on UNISFA activities in the future. Discussions will take place with local authorities and national counterparts to define the exact scope and timing of such assistance.

18. Deploying a mission of this size and nature in such a short time frame presents significant challenges. While the Ethiopian military contingent was able to self-deploy during the initial phase of deployment, there is now an urgent need to acquire land for UNISFA premises, build camps, recruit and deploy police and civilian personnel, build a robust communications infrastructure and enter into new or amend existing commercial contracts. Completion of these and related activities would normally require several months, an unacceptable length of time given the volatile situation on the ground in Abyei. Measures are therefore being taken to ensure that UNISFA becomes operational as quickly as possible, such as the full application of elements of the global field support strategy, including use of the global and regional service centres, drawing on ex-UNMIS (under liquidation) capabilities where and as appropriate, and applying maximum flexibility in the selection and deployment of human resources.

19. The deployment of UNISFA has already experienced some constraints imposed by the Government of the Sudan, in particular restrictions on the use of the El Obeid logistics base for United Nations helicopter and contractor vehicle movements. The Government has insisted that UNISFA use Kadugli as its entry point and denied permission for UNMIS cargo movements from El Obeid to Abyei, Malakal and the

team sites supplied by the logistics base. Government personnel have questioned the status of UNISFA as a United Nations mission, which is inconsistent with the Security Council resolution establishing UNISFA and requesting the Secretary-General and the Government of the Sudan to enter into a status-of-forces agreement.

20. With the onset of the rainy season, the deployment of the remaining UNISFA personnel will be conducted in increasingly challenging conditions. It is therefore imperative that the Governments of the Sudan and of South Sudan do everything necessary to facilitate the deployment of UNISFA. A status-of-forces agreement must be negotiated in accordance with the request of the Security Council and negotiations on land conducted rapidly in order to accommodate all of the company operating bases envisioned. Furthermore, to ensure that UNISFA can implement its mandate and operate effectively and impartially, it is essential that all other forces withdraw immediately from the Area as the mission deploys.

VI. Financial aspects

21. In the short term, UNISFA will receive interim funding from the General Assembly appropriation to UNMIS for the 2011/12 budget period, with authorization to draw on these funds when entering into commitments until a full budget is approved later in the year. The Controller has also authorized an interim staffing table for UNISFA comprising 207 temporary civilian positions.

VII. Observations

22. One month after the authorization of UNISFA, I am encouraged to report that more than 400 troops are already on the ground in Abyei. I am fully committed to supporting the implementation of the 20 June and 29 June Agreements, and am optimistic that UNISFA will be capable of providing a robust presence to deter conflict and facilitate the parties' joint administration and security arrangements. However, it is incumbent upon the parties to ensure the optimum conditions for the success of UNISFA by redoubling their efforts to support the deployment, withdraw their forces and implement the 20 June Agreement.

23. It is also critical that these arrangements and the United Nations role in Abyei are understood to be part of a temporary solution to the situation. The presence of an international force in Abyei must enable but not delay negotiations on a permanent solution to the Area's status, in accordance with the Comprehensive Peace Agreement and the principles of the Permanent Court of Arbitration. This will require both parties to make difficult compromises towards a sustainable political solution that will address the needs of all stakeholders.

24. With the independence of South Sudan on 9 July, the dispute over the final status of Abyei is no longer an internal Sudanese matter. In addition to its impact on local stakeholders, it has become a bilateral concern between two sovereign Governments. Resolution of the issue is therefore critical to the achievement of stable and peaceful relations between the Sudan and South Sudan, and wider regional stability. To the same end, the two Governments must also resolve other critical issues, namely the ongoing violence in Southern Kordofan state and the lack of resolution of key post-referendum arrangements, including the North-South

border. I therefore call upon the Governments of the Sudan and of South Sudan to finalize outstanding negotiations as soon as possible.

25. In closing, I would like to thank the African Union High-Level Implementation Panel, led by President Mbeki, for facilitating the negotiations leading to the 20 June Agreement. I would also like to thank Prime Minister Meles Zenawi for his personal participation in the negotiations and his Government's offer of troops for deployment to Abyei. In addition, I commend my Special Representative, Mr. Haile Menkerios, and the staff of UNMIS for their efforts to support the negotiations towards a resolution of the crisis in Abyei and welcome the incoming personnel of UNISFA, who stand ready to play a vital role towards the stabilization of Abyei in the months ahead.